

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO

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In re:

PROMESA

Title III

THE FINANCIAL OVERSIGHT AND  
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

No. 17 BK 3283-LTS

THE COMMONWEALTH OF PUERTO RICO, et al.,

(Jointly Administered)

Debtors.<sup>1</sup>

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In re:

THE FINANCIAL OVERSIGHT AND  
MANAGEMENT BOARD FOR PUERTO RICO,

No. 17 BK 3567-LTS

as representative of

PUERTO RICO HIGHWAYS AND TRANSPORTATION  
AUTHORITY

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<sup>1</sup> The Debtors in these Title III Cases, along with each Debtor's respective Title III case number and the last four (4) digits of each Debtor's federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (the "Commonwealth") (Bankruptcy Case No. 17-BK-3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation ("COFINA") (Bankruptcy Case No. 17-BK-3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority ("HTA") (Bankruptcy Case No. 17-BK-3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico ("ERS") (Bankruptcy Case No. 17-BK-3566-LTS) (Last Four Digits of Federal Tax ID: 9686); (v) Puerto Rico Electric Power Authority ("PREPA") (Bankruptcy Case No. 17-BK-4780-LTS) (Last Four Digits of Federal Tax ID: 3747); and (vi) Puerto Rico Public Buildings Authority ("PBA") (Bankruptcy Case No. 19-BK-5523-LTS) (Last Four Digits of Federal Tax ID: 3801) (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

## **ORDER**

The Court has received and reviewed (i) *The DRA Parties' Motion and Memorandum of Law in Support of their Notice that the DRA is a Party in Interest and Can Participate in the Monolines' Amended Lift Stay Litigation* (Dkt. No. 10835 in 17-BK-3283; Dkt. No. 685 in 17-BK-3567) (the "DRA Motion to Intervene"), (ii) *Ambac Assurance Corporation, Assured Guaranty Corp., Assured Guaranty Municipal Corp., National Public Finance Guarantee Corporation, and Financial Guaranty Insurance Company's Opposition to DRA Parties' Motion and Memorandum of Law in Support of their Notice that the DRA is a Party in Interest and Can Participate in the Monolines' Amended Lift Stay Litigation [ECF No. 10835]* (Dkt. No. 11126 in 17-BK-3283) (the "Monolines' Opposition to DRA Motion to Intervene"), (iii) *The DRA Parties' Omnibus Reply in Support of their: (I) Participation in the Monolines' Amended Lift Stay Litigation; (II) Motion to Intervene in the Revenue Bond Adversary Proceedings with respect to the Clawback Complaints; and (III) Motion to Intervene in HTA Revenue Bond Adversary Proceeding with Respect to the Lien Stripping Complaint* (Dkt. No. 11725 in 17-BK-3283; Dkt. No. 705 in 17-BK-3567) (the "DRA Reply to Intervention Motion"), (iv) the *Joint Stipulation Regarding (I) The DRA Parties' Motion and Memorandum of Law in Support of their Motion for Relief from the Automatic Stay, or in the Alternative, Ordering Payment of Adequate Protection [ECF No. 7643]; and (II) The DRA Parties' Motion and Memorandum of Law in Support of their Notice that the DRA is a Party in Interest and Can Participate in the Monolines' Amended Lift Stay Litigation [ECF No. 10835]* (Dkt. No. 11285 in 17-BK-3283; Dkt. No. 698 in 17-BK-3567) (the "Joint Stipulation"), (v) *Ambac Assurance Corporation, Assured Guaranty Corp., Assured Guaranty Municipal Corp., National Public Finance Guarantee Corporation, and Financial Guaranty Insurance Company's Limited*

*Objection to the Joint Stipulation Regarding (I) The DRA Parties' Motion and Memorandum of Law in Support of their Motion for Relief from the Automatic Stay, or in the Alternative, Ordering Payment of Adequate Protection [ECF No. 7643]; and (II) The DRA Parties' Motion and Memorandum of Law in Support of their Notice that the DRA is a Party in Interest and Can Participate in the Monolines' Amended Lift Stay Litigation [ECF No. 11285] (Dkt. No. 11325 in 17-BK-3283) (the "Opposition to Joint Stipulation"), and (vi) Reply to Ambac Assurance Corporation, Assured Guaranty Corp., Assured Guaranty Municipal Corp., National Public Finance Guarantee Corporation, and Financial Guaranty Insurance Company's Limited Objection to the Joint Stipulation Regarding (I) The DRA Parties' Motion and Memorandum of Law in Support of their Motion for Relief from the Automatic Stay, or in the Alternative, Ordering Payment of Adequate Protection [ECF No. 7643]; and (II) The DRA Parties' Motion and Memorandum of Law in Support of their Notice that the DRA is a Party in Interest and Can Participate in the Monolines' Amended Lift Stay Litigation [ECF No. 10835] (Dkt. No. 11735 in 17-BK-3283; Dkt. No. 707 in 17-BK-3567) (the "DRA Reply to Joint Stipulation").*

Based on these filings, the Court understands that the DRA Parties propose limiting their intervention in the Monoline Lift Stay Motion (Dkt. No. 10102<sup>2</sup>) to the eight topics identified in the Joint Stipulation, and with the specific intervention rights contained in footnote 3 of the *Amended Interim Case Management Order for Revenue Bonds* (Dkt. No. 10595), which would allow the DRA Parties to file briefs on issues not raised by the named parties of up to seven (7) pages. (See Reply to Intervention Motion, Dkt. No. 11725, ¶ 17). The DRA Parties also propose

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<sup>2</sup> All docket entry references herein shall refer to Case No. 17-BK-3283 unless otherwise noted.

that their intervention rights will not include the authority to settle or prevent a settlement or take discovery in connection with the Monolines' Lift Stay Motion, but they will have the right to participate in all meet and confers regarding discovery in the Monolines' Lift Stay Motion and attend all deposition in the Monolines' Lift Stay Motion. (See Joint Stipulation, Dkt. No. 11285-1, ¶ 2).

The Court also understands that the Monolines do not oppose limited intervention by the DRA Parties in the Monolines' Lift Stay Motion strictly limited to topics that are raised in both the DRA Lift Stay Motion (Dkt. No. 7643) and the Monolines' Lift Stay Motion (Dkt. No. 10102) (the "Shared Issues").

It is unclear to the Court, however, which of the eight issues identified in the Joint Stipulation the Monolines believe are Shared Issues. Accordingly, the Court hereby ORDERS the DRA Parties and the Monolines to meet and confer and file a joint status report that identifies which of the eight issues identified in the Joint Stipulation the parties agree are Shared Issues and which issues, if any, the parties dispute.

The joint status report shall be filed on or before **Friday, February 28, 2020**.

If any disputes remain, and if the Court deems it necessary, the Court will hear oral argument on the DRA Motion to Intervene and the Joint Stipulation at the March Omnibus Hearing, scheduled to take place on **March 4, 2020** at the United States District Court for the District of Puerto Rico, 150 Carlos Chardon Street, Federal Building, San Juan, Puerto Rico.

SO ORDERED.

/s/ Judith Gail Dein

Judith Gail Dein

United States Magistrate Judge

DATED: February 27, 2020